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09/896,390	06/29/2001	Arturo A. Rodriguez	A-7258	1010

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SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

NOTIFICATION DATE	DELIVERY MODE
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11/05/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

**Office Action Summary**

Application No.

09/896,390

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Michael Van Handel

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 8/21/2007. Claims 1-31, 58, and 59 are pending. Claims 1, 4, 10, 13, 14, 19-24, 28, and 29 are amended. Claims 32-57 are canceled. Claims 58 and 59 are new.

### ***Response to Arguments***

1. Applicant's arguments regarding claim 1, filed 8/21/2007, have been considered, but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments regarding claim 28, filed 8/21/2007, have been fully considered, but they are not persuasive.

Regarding claim 28, the applicant argues that Browne et al. fails to teach or suggest authorized access locks that have corresponding icons displayed on one of a plurality of screen displays to alert the user to a requirement for authorized access. The examiner respectfully disagrees. Browne et al. discloses a stored program list that includes a list of all stored programs (p. 24, paragraph 4). Browne et al. further discloses that a user may lock certain of the stored programs. Locking a program results in the display of an icon indicating that a program is locked (Fig. 6). A locked program will not be erased until the user unlocks the program (p. 25, paragraph 4 & p. 26, paragraph 1). Since the program recording system of Browne et al. is unable to erase programs that are locked, the examiner interprets the locks as "authorized access

Art Unit: 2623

locks have corresponding icons displayed on one of a plurality of screen displays to alert a user to a requirement for authorized access,” as currently claimed.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 14, 15, 17, 19-25, 29, 30, 58, 59 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al.

Referring to claims 1 and 17, Hunter et al. discloses a recordable media content archiving system in a subscriber network (see Abstract), said recordable media content archiving system comprising:

- a memory for storing recordable media content characterizing information (p. 5, paragraph 68);
- a storage device capable of storing a plurality of portable storage mediums, wherein each portable storage medium is one of a plurality of different portable storage medium types (p. 1, paragraph 12 & p. 8, paragraph 126); and
- a processor configured with the memory to:
  - o receive into the memory the characterizing information corresponding to respective recordable media content (p. 5, paragraph 68);

Art Unit: 2623

- provide a user interface with at least a portion of the received characterizing information, said portion corresponding to a first recordable media content (p. 5, paragraphs 74-76; p. 7, paragraph 118; p. 8, paragraph 126; & Figs. 5, 7);
- download the first recordable content via the subscriber network from a server responsive to a first user input selecting an identifier of the first recordable media content from the user interface (p. 5, paragraph 75 & p. 7, paragraph 117; & p. 9, paragraphs 141, 142);
- select without user intervention (the examiner notes that the CPU 80 selects the CD or DVD in the platter for storage)(p. 5, paragraphs 64, 65 & Fig. 4), a portable storage medium type from the plurality of portable storage medium types, the selected portable storage medium type corresponding to a category of the first recordable media content, for storing the downloaded first recordable media content (CD's are used for CD quality music recordings and DVD's are used for storage of movies)(p. 8, paragraph 126); and
- store on at least one of the plurality of portable storage medium types the downloaded first recordable media content, the at least one of the plurality of portable storage mediums corresponding to the category of the first recordable media content (p. 8, paragraph 126).

Referring to claim 2, Hunter et al. discloses the system of claim 1, wherein the first user input corresponds to a purchase for personal possession of the first recordable media content (the first press of the program selector 54 shows the current playback price of the title)(p. 5, paragraph 75).

Art Unit: 2623

Referring to claim 3, Hunter et al. discloses the system of claim 2, wherein the recordable media content characterizing information is received into the memory periodically (p. 5, paragraph 68).

Referring to claim 4, Hunter et al. discloses the system of claim 1, wherein the processor is further configured to store recordable media content characterizing information corresponding to the first recordable media content on the at least one of the plurality of portable storage mediums corresponding to the category of the first recordable media content (p. 2, paragraph 13 & Fig. 6).

Referring to claim 5, Hunter et al. discloses the system of claim 1, wherein the storing on the at least one of the plurality of portable storage mediums of the downloaded first recordable media content corresponds to an archiving operation (p. 7, paragraphs 117, 118 & p. 8, paragraph 128).

Referring to claim 6, Hunter et al. discloses the system of claim 5, wherein an archive screen with pre-configured categories is presented to a user prior to storing the downloaded first recordable media content on the at least one of plurality of portable storage mediums (Figs. 5, 13, 14).

Referring to claims 7 and 8, Hunter et al. discloses the system of claim 6, wherein a default is presented to the user for a first pre-configured category, the first pre-defined category corresponding to a genre (Comedy is listed first when the user initiates use of the system by turning the system on)(p. 5, paragraph 74 & Fig. 5).

Referring to claim 9, Hunter et al. discloses the system of claim 8, wherein the default presented to the user is a first genre associated with the downloaded first recordable media content (p. 7, paragraph 117).

Referring to claim 10, Hunter et al. discloses the system of claim 9, wherein the first genre is included in the received characterizing information corresponding to the first recordable media content (p. 5, paragraph 68).

Referring to claim 11, Hunter et al. discloses the system of claim 10, wherein a second genre is presented to the user that is different than the first genre (Drama, Action, or Documentary)(Fig. 5).

Referring to claim 14, Hunter et al. discloses the system of claim 6, wherein a second archive screen is configured to enable the user to search for recordable media among the plurality of portable storage mediums on the storage device (p. 5, paragraph 74 & Fig. 6).

Referring to claim 15, Hunter et al. discloses the system of claim 6, wherein the archive screen is configured to enable the user to search for characterizing information corresponding to the recordable media content among the plurality of portable storage mediums stored on the storage device (p. 5, paragraph 74 & Fig. 6).

Referring to claim 19, Hunter et al. discloses the system of claim 1, wherein the processor is further configured to determine if the at least one of the proper plurality of portable storage mediums is loaded on the storage device p. 5, paragraph 74 & Fig. 6).

Referring to claim 20, Hunter et al. discloses the system of claim 19, wherein the processor is configured to automatically load the at least one of the proper plurality of portable storage mediums on the storage device (p. 1, paragraph 12 & p. 5, paragraph 74).

Referring to claim **21**, Hunter et al. discloses the system of claim 20, wherein the at least one of the proper plurality of portable storage medium is categorized by title type (Fig. 6).

Referring to claim **22**, Hunter et al. discloses the system of claims 21 and 32, wherein the processor is further configured to load the at least one of the proper plurality of portable storage mediums on the storage device with the title type corresponding to the first recordable media content (p. 5, paragraph 74 & Fig. 6).

Referring to claim **23**, Hunter et al. discloses the system of claim 1, wherein the processor is further configured to prompt the user to load the plurality of portable storage mediums on the storage device (Fig. 6).

Referring to claim **24**, Hunter et al. discloses the system of claim 1, wherein the processor is further configured to receive the first user input from a remote control device (p. 4, paragraph 52 & Fig. 3).

Referring to claim **25**, Hunter et al. discloses the system of claim 1, wherein the processor is further configured to categorize the first recordable media content and the plurality of portable storage mediums by a user providing the first user input (p. 5, paragraph 75).

Referring to claim **29**, Hunter et al. discloses the system of claim 1, wherein the processor is further configured to enable a user to categorize recordable media content, and the plurality of portable storage mediums that store the recordable media content, into a structured archive, wherein the processor is further configured to receive the downloaded first recordable media content on at least one of the plurality of different portable storage medium types with characterizing information matching the downloaded first recordable media content (Figs. 13, 14).



Referring to claim **30**, Hunter et al. discloses the system of claim 1, wherein the processor, the memory, and the storage device are located in a set top box (p. 10, 11, paragraph 150).

Referring to claim **58**, Hunter et al. discloses the system of claim 1, wherein the processor is further configured to select without user intervention, a portable storage medium type corresponding to a second category of the first recordable media content, from the plurality of different portable storage medium types for storing the downloaded first recordable media content (CDs and DVDs, see claim 1).

Referring to claim **59**, Hunter et al. discloses the system of claim 1, wherein the category includes a subcategory (Fig. 5).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **12, 13, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. in view of Hassell et al.

Referring to claims **12, 13, and 16**, Hunter et al. discloses the system of claims 6 and 11. Hunter et al. does not disclose modifying and editing received characterizing information corresponding to a first recordable media content to include a second genre, personalized categories, or different pre-configured defaults. Hassell et al. discloses allowing a user to modify

Art Unit: 2623

program information to enter categories the user wants associated with the program (p. 4, paragraph 45 & Fig. 7b). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the program information in the menu of Hunter et al. to include fields allowing a user to enter user-defined categories, such as that taught by Hassell et al. in order to provide a user with greater control over a user interface.

4. Claims **18, 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. in view of LaJoie et al.

Referring to claim **18**, Hunter et al. discloses the system of claim 1. Hunter et al. does not disclose that the processor is configured to receive the downloaded first recordable media content from the server through an exclusive network session. LaJoie et al. discloses transmitting programs to a subscriber's set-top terminal in the form of a unicast (unicast is the sending of information packets to a single destination (see <http://www.dictionary.com> encyclopedia definition of unicast)) transmission (col. 9, l. 43-52). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Hunter et al. to include transmitting programs to a subscriber in the form of a unicast transmission, such as that taught by LaJoie et al. in order to allow a user to access the content as quickly as possible.

Referring to claim **26**, Hunter et al. discloses the system of claim 25. Hunter et al. does not disclose purchasing the first recordable media content prior to downloading the content. LaJoie et al. discloses a user input for purchasing an Impulse Pay-Per-View (IPPV) event for recording (col. 21, l. 42-49). It would have been obvious to one of ordinary skill in the art at the

Art Unit: 2623

time that the invention was made to modify Hunter et al. to include a user input for purchasing an event prior recording, such as that taught by LaJoie et al. in order to save storage space.

5. Claims **27, 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. in view of Browne et al.

Referring to claims **27** and **28**, Hunter et al. discloses the system of claim 1. Hunter et al. does not disclose that at least one of the recordable media content on the plurality of portable storage mediums located in the storage device have authorized access locks, wherein the authorized access locks have corresponding icons displayed on one of a plurality of screen displays to alert a user to a requirement for authorized access. Browne et al. discloses a screen displaying a list of stored programs. Browne et al. further discloses that a user may lock certain listed stored programs, so that the program will not be erased (p. 25, paragraph 4). Browne et al. still further discloses displaying an icon to the user indicated that a program is locked (Fig. 6). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Hunter et al. to allow a user to lock a stored program and include icons to alert the user of the locks, such as that taught by Browne et al. in order to provide a more user-friendly interface.

6. Claims **31** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. in view of Russo.

Referring to claim **31**, Hunter et al. discloses the system of claim 1. Hunter et al. does not disclose that the processor, the memory, and the storage device are located in a headend.

Art Unit: 2623

Russo discloses storing selected program materials in a program storage unit 14, wherein the storage technique employed includes recording data compressed information on arrays of disks or magnetic tapes, including auto-changer facilities to switching between media (col. 4, l. 10-21). Russo further discloses that the program storage unit 14 can be located at either the subscriber site or could be part of a larger storage unit located at the cable transmission facility (col. 4, l. 28-44). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Hunter et al. to include a program storage unit 14 at the transmission facility, such as that taught by Russo in order to reduce the cost of a user's set top box.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 2623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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